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Air Force Planning Response to Judges On Spying Charges

WASHINGTON, Oct. 5 (UPI) — The Air Force will respond "in due course" to a Court of Military Appeals demand to show cause why spying charges against a young nuclear missile officer should not be dismissed, a spokesman said today.

The three-man civilian Court of Military Appeals ruled 2 to 1 Friday that general court-martial proceedings against 2d Lieut. Christopher Cooke be halted until the Air Force responded, within a 10-day period.

Lieutenant Cooke, a 28-year-old former deputy commander of a Titan 2 nuclear missile silo near Wichita, Kan., faces 14 charges of visiting or making contact with the Soviet Embassy in Washington and passing or attempting to pass on secret information on at least three occasions.

He is the first missile officer ever so charged, and if convicted on all charges he would be liable to a sentence of 52 years at hard labor, dishonorable discharge and forfeiture of all pay and allowances.

An Air Force spokesman said that a response would be made to the Court of Military Appeals "in due course" and indicated that the Air Force would press its case.

Three weeks of pretrial hearings at Andrews Air Force Base, Md., were adjourned Sept. 23 by Lieut. Col. David Orser, the military judge, pending action on defense requests for rulings from the Court of Military Appeals and the Federal District Court in Baltimore on the admissibility of evidence obtained by electronic and other surveillance means.